

Appendix A

DEFINITIONS

As used in this Implementation Agreement

1. The term “**Agency**” refers to those Federal agencies eligible to receive funding through SNPLMA and/or FLTFA to carry out projects approved by the Secretaries of the Interior and Agriculture.
2. The term “**Agreement**” means the agreement entitled “The Interim Cooperative Management Agreement between the United States Department of the Interior - Bureau of Land Management and Clark County,” dated November 4, 1992.
3. The term “**Budget Reallocation (BRA)**” means the process or funds from within a project category which the SNPLMA Executive Committee has authorized to be used for an approved project other than the project for which the funds were originally intended. BRA requests may be submitted and approved only after all approved projects have received notification of availability of funds. Thereafter, any remaining budgeted funds (“excess budgeted funds”) within a category may be reallocated with approval of the Executive Committee to cover cost over runs for approved projects within that category, but only under a new Round is approved. When a new Round is approved any remaining excess budgeted funds from prior Rounds will be carried over into the new Round of approvals within the same category.
4. The term “**Cooperative Agreement**” means those master Assistance Agreements executed between the BLM and each of the local and regional governmental entities to meet the requirement of the SNPLMA legislation that funds for park, trail, and natural area projects must be provided “pursuant to a cooperative agreement” with the local and regional governmental entities.
5. The term “**Direct Labor**” means payroll expenses for agency/entity employees to perform the projects (e.g., do the monitoring, construct the trail, etc.)
6. The term “**Disbursement**” when used relative to local and regional governmental entities means to issue a check or initiate an electronic funds transfer payment for necessary expenses following acceptance and approval of required documentation.
7. The term “**Entity**” refers to those local and regional governmental entities defined in the SNPLMA legislation as eligible for funding for Park, Trail, Natural Area projects and MSHCP.

8. The term “**Fully Loaded Rate**” in reference to payroll as a necessary expense, refers to the hourly rate incurred by the agencies/entities to cover the hourly labor charge as well as the associated cost of benefits and employer taxes.
9. The term “**1151 Transfer**” is synonymous with the term “transfer of funds” as used herein to describe the approved process for transfer of funds from the BLM allocation account to the allocation accounts set up by OMB for the FWS, FS, and NPS under the “parent-child” relationship.
10. The term “**FLTFA Account**” means the Special Account established under section 206(a) of the Federal Land Transaction Facilitation Act.
11. The term “**FLTFA MOU**” means the Memorandum of Understanding for Interagency Implementation of the Federal Land Transaction Facilitation Act of 2000, effective May 5, 2003.
12. The term “**IPAC**” means Intra-Governmental Payment and Collection system. The “seller” agency identified on the Intra-Governmental Order (IGO) initiates the IPAC billing for reimbursements under the IGO. The “seller” agency is the agency receiving SNPLMA funds to complete an approved project. IPAC bill transactions automatically and electronically retrieve funds from the agency being billed. IPAC bills submitted prior to approval by the BLM Contracting Officer following acceptance of a reimbursement package by the SNPLMA division will be reversed so that the funds are returned to the Special Account until the reimbursement approval process has been satisfactorily completed.
13. The term “**New Allowed Cost (NAC)**” means Round 4 SAR funds authorized by the Executive Committee and/or Round 5 line-item funds approved by the Secretary for PTNA projects, for the purpose of paying project costs which were newly identified in Round 4 as reimbursable to recipient agencies/entities. The term New Allowed Cost is used to identify a class of funds approved by the Secretary which are not project specific, and to distinguish these “SAR” funds as remaining available for the approved purpose until fully utilized or no longer needed. This is in contrast to any remaining balance of Round 4 SAR funds which were no longer available as soon as the Secretary of Interior approved the Round 5 budget.
14. The term “**Other Direct Labor**” means those administrative payroll expenses which were approved in June 2004 as part of the “New Allowed Costs.” These Other Direct Labor cost are identified separately from the Direct Labor costs on the Estimated Necessary Expense Sheets because there was special NAC funding provided by the Executive Committee to cover these costs, so they need to be able to be tracked separately until all impacted projects are completed.
15. The term “**Project**” means any undertaking, including acquisition of environmentally sensitive land, of any qualified Federal agency or local or governmental entity which is either nominated/proposed for approval or approved for funding by the Secretaries under any category for which SNPLMA funds may be provided (land acquisitions, capital improvements, conservation initiatives, etc.).

16. The term “**Recreation and Public Purposes Act**” refers to the Act entitled “An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes,” approved June 14, 1926 (43 U.S.C. 869 et seq.).
17. The term “**Regional Governmental Entity**” means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District formerly referred to as the Clark County Water Reclamation District.
18. The term “**Relocation Assistance**” refers to payments made to displaced persons who must move from SNPLMA acquired lands (whether environmentally sensitive or PTNA acquisitions). Such displaced persons are defined in the Uniform Act and payments made are pursuant to the requirements and limitations of that Act.
19. The term “**SNPLMA Assistance Agreement**” means the master Assistance Agreement (Form 1511-1 and terms and conditions) executed between the BLM and each local and regional governmental entity to provide SNPLMA funds for park, trail, and natural area projects, which agreements meet the requirement in the Southern Nevada Public Land Management Act that development of park, trail, and natural area projects be “pursuant to a cooperative agreement” with the local and regional governmental entities.
20. The term “**Special Account**” means one of the accounts in the Treasury of the United States established under the Southern Nevada Public Land Management Act and the Federal Land Transaction Facilitation Act.
21. The term “**SNPLMA Special Account**” means the Special Account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act.
22. The term “**Transfer of Funds**” is synonymous with “1151 Transfer of Funds” for funds being transferred from the BLM allocation account to the allocation accounts of the National Park Service, Fish and Wildlife Service, and USDA Forest Service under the “parent child” relationship established by the BLM and OMB. Such funds are transferred in accordance with the Transfer Process approved in this Agreement.
23. The term “**Uniform Act**” refers to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24, Final Rules Effective February 3, 2005). This act sets out the definition of displaced persons (e.g., certain tenants, businesses, etc.) eligible for relocation assistance when required to move as a result of Federal acquisition of land or Federally funded acquisition of land. Owners who are willing sellers are not entitled to relocation assistance so long as condemnation under the Right of Eminent Domain was not utilized and there was no threat that it could be utilized in making the acquisition. Because SNPLMA requires willing sellers and does not pay/reimburse expenses incurred as a result of acquisition by condemnation or threat of condemnation, no owners of SNPLMA acquired property would be eligible for relocation assistance. However, other persons or businesses residing or operating on the acquired property may be eligible for relocation.

24. The term “**Unit of Local Government**” means Clark and Lincoln Counties, City of North Las Vegas, City of Las Vegas, and City of Henderson.